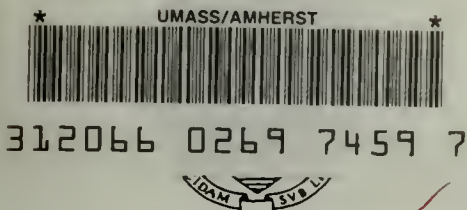


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SECTION

**Attorney General Scott Harshbarger**  
**Prepared Remarks**  
**Firearms & Ammunition Litigation Group**  
**Annual Meeting of the Association of Trial Lawyers of America**  
**July 29, 1996**

**I) INTRODUCTION**

Handgun violence is a plague on this nation, killing our children, our colleagues, our neighbors.

This deadly violence takes many forms. Some -- like the 13,000 murders committed with handguns in the United States each year -- are highly visible. Other forms of handgun violence are more insidious, like the hundreds of deaths each year due to accidental handgun injuries and teen suicides.

But there is no longer any doubt that handgun violence is pervasive and commonplace -- there are more than three-quarters of a million serious handgun crimes and injuries each year. It now affects all of our lives, not just the lives of those directly injured or killed.

The thunder in the distance we hear today in the streets and homes of America is the thunder of gunfire. It jars the elderly from their sleep; it jolts children walking to school; it creates tumult in our emergency rooms; it sends shockwaves of fear through our neighborhoods.

**II) PROSECUTION, LEGISLATION & PREVENTION**

Efforts to fight handgun violence must begin and end with vigorous criminal prosecution and stiff sentencing. The prosecution of handgun violence was a top priority during my eight years as District Attorney in Massachusetts' largest county.



When I became Attorney General in 1991, I assigned Assistant Attorneys General, for the first time ever, to be gun and gang prosecutors in urban courts throughout our state. Over the years, they have sent hundreds of armed criminals to jail.

But tough-minded and unrelenting prosecution is not enough by itself. Determined and decisive legislative action is also necessary. We must strengthen the tools we give prosecutors and police in their struggle against handgun violence.

I have taken action on the legislative front by sponsoring or co-sponsoring bills that would:

- \* Ban assault weapons;
- \* Require Firearm Identification Cards to be renewable every five years and double their cost;
- \* Require that an FID card be revoked for anyone convicted of a felony or serious misdemeanor;
- \* Require that convicted felons never legally possess a gun in Massachusetts;
- \* Create a five-year mandatory sentence for anyone who uses a gun in the commission of a felony;
- \* And, make the illegal sale of a firearm a felony that subjects the seller to a 10-year prison term.

Tough prosecution and common sense legislation, as important as they are, won't be enough if we do not try to do something to prevent handgun violence before the blood is shed.

One year ago, at a youth violence forum at the Kennedy Library, I outlined a comprehensive gun violence prevention program, including the creation of a violence prevention curriculum in every grade in every school, and the establishment of a full-scale public health campaign against gun violence, similar to our push against drunk-driving in the 1980s.

### **III) "SATURDAY NIGHT SPECIALS"**

Today, I have chosen this venue to announce a unique, new initiative that will stem the tide of handgun violence, and help make handguns safer for use by the law-abiding citizens who purchase them to protect themselves, their families and their property.





Today, Massachusetts becomes the first state in the nation to use its consumer protection powers to issue handgun sales regulations.

Make no mistake: This nation is flooded with handguns, and the deluge has reached every state, including Massachusetts.

In 1993, more than 2.5 million handguns were manufactured in the United States. Another million were imported. More than 40 million handguns have been manufactured in the U.S. since 1973.

Despite their abundance, the regulation of handguns as a consumer product is non-existent. We regulate the safety of caps for toy guns, fireworks and everything from bicycles to baby rattles, but not handguns. I intend to fill that void in Massachusetts.

The consumer protection regulations I am proposing today would prohibit the sale in Massachusetts of cheap, often defective weapons made of inferior materials -- so-called "Saturday Night Specials." These weapons appear to be primarily manufactured by companies in the Los Angeles area, often referred to as "the Ring of Fire Companies."

More than one million new "Saturday Night Specials" are manufactured in the United States each year. My proposed regulation would prohibit the sale of "Saturday Night Specials" in Massachusetts. These guns are, above all else, implements of crime and violence.

There is ample evidence to support this ban.

For example, brand new data compiled by the Massachusetts Department of Public Health indicates that three of the top five types of pistols submitted for ballistics testing in criminal cases in Massachusetts are "Saturday Night Specials."

Last year, a study of illegal weapons conducted by the Boston Police and the federal Bureau of Alcohol, Tobacco and Firearms found that "Saturday Night Specials" were the "handgun of choice for juveniles" in Boston from 1991 through 1994.

And, according to the Department of Justice, "Saturday Night Specials" account for seven of the top 10 guns traced to criminal activity in America today.

For consumer protection purposes, the most compelling reason for prohibiting the sale of "Saturday Night Specials." They appear to be unsafe, even in the hands of responsible consumers.



In numerous independent and objective gun tests, the quality, dependability and safety of this class of guns has been called into serious question because of unreliable functioning and defects.

Ironically, if these "Saturday Night Specials" were gun imports, they would not meet ATF standards for entry into the United States.

#### **IV) TAMPERING & CHILD PROOFING**

In addition to the proposed ban on the sale of "Saturday Night Specials," the second aspect of the consumer protection regulations I am proposing today concerns provisions to improve the tracing and child proofing of handguns sold in Massachusetts.

First, the regulations would require manufacturers to offer for sale in Massachusetts only handguns that have improved tamper-resistant serial numbers.

Last year, in the most far-reaching study ever conducted in Massachusetts, the ATF and Boston Police found that almost one in four guns seized from Boston street gangs between 1991 and 1994 had obliterated serial numbers.

Preventing obliteration would make police work in tracing ownership of weapons easier. This would aid police significantly in investigating handgun crimes. It would also aid in returning stolen weapons to the more than 500 Massachusetts gun owners who lose handguns to theft each year.

In addition to the visible, imprinted serial number currently required by law, manufacturers, under the proposed regulation, would be required to put the serial number on a non-visible spot that cannot be easily located and obliterated by criminals.

Manufacturers could put the serial number inside the gun, or put it on the outside in a manner that can be read only with an optical enhancer, such as an infrared light.

Incredibly, our current consumer protection regulations require serial numbers on automotive parts, but not on the inside of legal handguns -- even though that simple step would greatly assist gun-tracing investigations by law enforcement.

The proposed regulations also would require the childproofing of all handguns sold in Massachusetts.





In eight days this spring, a 2 ½-year-old Massachusetts boy died when a handgun went off in his 14-year-old brother's hand; a 12-year-old New Bedford boy died when a handgun discharged that he and a friend thought was unloaded; and a 14-year-old Springfield boy died when a 13-year-old friend fired a handgun found under the bed of the dead boy's grandfather.

Nationally, more than 200 young people die each year from handgun accidents. In addition, there is a growing use of handguns in suicides. In 1991, 13 young people in Massachusetts used firearms to commit suicide. In fact, a recent New England Journal of Medicine article indicates that guns in the home increase the risk of successful suicide by fourfold, with handguns posing twice the additional risk of long guns. Handguns in the home also increase the risk of homicide by threefold.

The proposed regulations attempt to deal with childproofing, accidental injuries, suicides and the unauthorized use of handguns by requiring:

- \* A load indicator be installed in all handguns sold in Massachusetts;
- \* Installation of a trigger lock, solenoid device or combination lock;
- \* And, use of a grip safety or increased trigger resistance to prevent firings by very young children.

Handgun child-proofing regulations would not absolve gun owners of personal responsibility for gun safety in their homes, but they would serve to remind gun manufacturers that they have a corporate responsibility in this area as well.

## V) CONCLUSION

Having experienced firsthand the difficulty of winning legislative passage for even a basic proposal like a statewide assault weapons ban, I fully expect the regulations I am proposing today to trigger loud screams of protest from those who view any attempt to bring common sense to the handgun debate as a sacrilegious infringement on their constitutional rights.

But no amount of lobbying or misinformation can obscure the fact that these proposed regulations will help stem the tide of violence wrought by cheap, defective weapons that are used primarily in criminal activity; and will help make all handguns safer for possession and use by the law-abiding citizens who purchase them for protection.



Legitimate handgun owners who believe in gun safety should have no quarrel with this straightforward step toward basic consumer protection.

This proposal demonstrates that I will leave no avenue untraveled in an effort to reduce the tragic loss of life from handguns. I will squeeze every bit of authority I can from every power I have, including my consumer protection powers, in order to stop this bloodshed.

The proposed regulations are not a panacea. They will not end handgun crime, violence or tragedies in Massachusetts. They are just one more tool and one more part of a comprehensive effort by my office, my colleagues in law enforcement and by an array of public officials, experts and concerned citizens to take reasonable steps to protect Massachusetts citizens.

In the course of considering and adopting the proposed regulations, public hearings will be convened this fall. I invite gun manufacturers to work with my office to develop the best possible regulations that produce safer weapons, reduce handgun violence and aid the hard work of police and prosecutors.

And I hope all of you, as fellow members of the bar with a special interest in these issues, continue your good work in helping gun manufacturers understand how the public interest and their corporate interests intersect at the issue of safer handguns.

I know that some of you have initiated product liability cases and other cases that, if successful, may help enhance weapon safety. In the process, I am sure you have learned much about the matters I have discussed this afternoon.

I hope you will offer me your insights and thoughts on these proposed regulations and will work with my office as we move forward with this first-in-the-nation consumer protection initiative. Thank you.

(end)

